



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

OCT 24 2008

USDA Forest Service  
Attention: CAT  
Roadless Area Conservation – Colorado  
P.O.162909  
Sacramento, CA 95816-2909

Dear Mr. Karkula:

Pursuant to our responsibilities under section 309 of the Clean Air Act, and the National Environmental Policy Act (NEPA), the U.S. Environmental Protection Agency (EPA) has reviewed the Forest Service's (FS) **Draft Environmental Impact Statement (EIS) for Colorado Roadless Areas** and the accompanying proposed rule at **36 CFR Part 294; Special Areas; Roadless area Conservation: Applicability to National Forests in Colorado.**

The draft EIS and proposed rulemaking are in response to the April 2007, Colorado State Petition to the Roadless Area Conservation National Advisory Committee. This proposed rule will provide increased management flexibility of roadless areas within the State of Colorado, and replace the management direction under the 2001 Roadless Rule. Where conflicting management direction exists between forest management plans and a Colorado Roadless Rule provision, the more restrictive direction prevails. This rule takes into account local and national perspectives on roadless area management and allows greater flexibility to adjust roadless area boundaries as needed to more accurately reflect roadless characteristics and to correct outdated boundaries and mapping errors.

Based on the information presented in the draft EIS and the proposed rule we have identified the following concerns that should be addressed in the final EIS and final rule: potential adverse impacts to water quality from the construction and use of miles of low grade, temporary roads; increased visibility impairment, especially in Class I areas from increased prescribed burns and development; and the number of acres potentially affected by the establishment of invasive plants as a result of ground-disturbing activities.

EPA is concerned that the proposed rule could reduce the level of protection to surface water, ground water and aquatic resources, and exacerbate the impacts caused by

the unrestricted use of waivers which delay decommissioning of temporary roads. To ensure that temporary roads are retired in a timely manner and prevent their contributing to impacts to water quality, EPA suggests the final EIS and final Rule include a provision similar to the one included in the Idaho Roadless Rule that restricts the use of a waiver to decommission temporary roads.

The majority of the new and temporary road construction is predicted to occur in the North Fork Coal Mining areas. The draft EIS states that “there would be an increased risk of higher sediment and chemical contamination levels and/or accidental chemical spills in streams within the North Fork coal mining areas that are developed in CRAs”. EPA recommends the final EIS discuss the chemical spill plan for mining operations, and assess its adequacy for reducing the impacts related to chemical spills that may result from coal mining operations.

The EIS discusses the potential for increased land disturbance where there are high selenium soils that could further impact already impaired streams in the North Fork Coal mining areas. EPA recommends the final EIS include a discussion of avoiding or reducing future impacts from selenium. In addition, we suggest the final EIS include a list of in-progress and completed Total Maximum Daily Loads (TMDLs) for 303(d) listed stream miles in the CRAs.

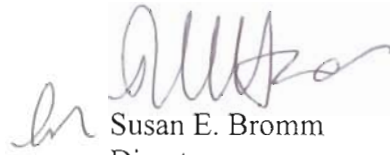
There are 11 Class I areas located within 10 miles of the Colorado Roadless Areas, all of which currently have visibility impairment. We are concerned that adverse impacts from actions taken under the proposed rule will increase road construction and prescribed burning, which could exacerbate the current level of visibility impairment. The final EIS should include additional detail on the current level of visibility impairment, and future trends and goals for the Class I areas. In addition, on page 97, the DEIS predicts that there is no significant difference in the impact to air quality from actions taken under all the alternatives. The final EIS should cite the data on which these predictions are based and/or make these references available on their website.

Finally, the draft EIS states that one half of one percent of the total acres are invaded by invasive plants, as well as a compound effect of 5 percent annual spread are the standards used in the draft EIS. The final EIS should cite the references or sources for calculating acres potentially affected by the establishment of invasive plants as a result of ground-disturbing activities.

Based on our review, we are assigning a rating of Environmental Concerns – Insufficient Information (EC-2) to the draft EIS. The EC rating is based on the potential for adverse impacts to water and air quality from increased road construction, and associated activities – e.g., prescribed burning and coal mining. Additionally, we are concerned about the increased potential for the introduction of invasive species from this proposal. The “2” indicates the draft EIS does not contain sufficient information to fully assess the environmental impacts from the proposed action.

We appreciate the opportunity to provide comments for your consideration as you proceed with the final EIS and rulemaking. If I can provide additional explanation of our comments please contact me at 202-564-5109 or Jessica Trice of my staff at 202-564-6646.

Sincerely,

A handwritten signature in dark ink, appearing to read "Susan E. Bromm", is written over a light gray rectangular background.

Susan E. Bromm  
Director  
Office of Federal Activities